

Sunset Public Hearing Follow-up Questions for  
**State Protest Committee**  
Created by Section 4-56-103, *Tennessee Code Annotated*  
(Sunset termination June 2017)

1. Provide a brief introduction to the committee including information regarding its purpose, statutory duties, staff and administrative attachments.

❖ Purpose

*The state protest committee is established in Tenn. Code Ann. § 4-56-103. That statute designates the commissioners of the departments of finance and administration and general services, and the state treasurer as the three protest committee members. Tenn. Code Ann. § 12-3-514 establishes the process for proposers to appeal the chief procurement officer's determination of a protest arising out of a Tenn. Code Ann. Title 12, Chapter 3 procurement process to the protest committee.*

❖ Statutory Duties

*The protest process begins at the central procurement office level with a filing with the chief procurement officer. If the protesting party disagrees with the chief procurement officer's decision, the protesting party has the option of appealing to the state protest committee for consideration of its protest. The state protest committee is by statute, an appellate body, with functions directly related to individual procurement protests.*

❖ Staff

*The department of finance and administration, through its office of general counsel provides administrative support to the state protest committee by coordinating the scheduling and notice of meetings, and distributing the protest documentary record.*

❖ Administrative Attachment

*The committee is not expressly administratively attached to a state department, but the chair of the committee is the commissioner of the department of finance and administration, so that department provides administrative support.*

2. Provide a list of current members of the committee. How many times has the committee met since the December 2013 governmental entity review hearing? How many members were present at each meeting?

*The current members of the committee are the commissioner of the department of finance and administration (Larry B. Martin), the commissioner of the department of general services (Robert E. Oglesby), and the state treasurer (David H. Lillard, Jr.), or their designees.*

*There has been one (1) meeting of the committee since December 2013. All members, through their designees, were present at the meeting.*

3. Has the committee promulgated rules and regulations? If yes, please cite the reference.

*The committee has not promulgated rules and regulations under the Uniform Administrative Procedures Act. The committee is statutorily authorized to establish procedures for its operations, and did so at its inaugural meeting October 31, 2012.*

4. Describe any items related to the committee that require legislative attention and your proposed legislative changes.

*None.*

5. Describe the nature and extent of the committee's activities or accomplishment since the date of the last governmental entity review hearing to the present.

*The state protest committee is not a policy making body. The committee is only convened when a protest is appealed from a protest decision by the chief procurement officer or when the chief procurement officer requests that the stay of award in a pending protest be lifted. As indicated above, there has been one meeting of the protest committee since December 2013. The purpose of the meeting was to hear an appeal from a protest decision by the chief procurement officer.*